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EXAMINER

ALAM, FAYYAZ

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/686,016	Applicant(s) BALLAY ET AL.	
	Examiner FAYYAZ ALAM	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 and 32-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 and 32-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) ☒ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413) |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) ☐ Information Disclosure Statement(s) (PTO/SB/08) | 5) ☐ Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) ☐ Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/14/2009 has been entered.

Response to Arguments

Applicant's arguments, see Remarks, filed 1/14/2009, with respect to the rejection(s) of claim(s) 1-22 and 32-34 under 103a have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of **Wimsatt (USPN 2004/0260407)**.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 2 - 3, 8 - 10, 22, 32, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wimsatt (U.S. Application # 2004/0260407)** and further in view of **Stirovic et al. (USPN 20080171919)**.

Consider **claim 32**, Wimsatt discloses a system for a structure, said system for a structure comprising: a plurality of sensors, each of said sensors including a first wireless port or a second port (see [0026;0029-0032;0037-0044;0046;0050-00510056-0058]; figs. 1-5); a server including a wireless port (see [0026;0029-0032;0037-0044;0046;0050-00510056-0058]; figs. 1-5); and a portable fob comprising: a portable

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housing (see [0026;0029-0032;0037-0044;0046;0050-00510056-0058]; figs. 1-5); a first wireless port wirelessly communicating with the wireless port of said server (see [0026;0029-0032;0037-0044;0046;0050-00510056-0058]; figs. 1-5); a second port configured for communication with the second port of one of said sensors when the second port of said portable fob engages the second port of said one of said sensors (see [0026;0029-0032;0037-0044;0046;0050-00510056-0058]; figs. 1-5); a user input device (see [0026;0029-0032;0037-0044;0046;0050-00510056-0058]; figs. 1-5); a display; and a processor operatively associated with the first wireless port of said portable fob, the second port of said portable fob, said user input device and said display, said processor being configured to receive engagement information from the second port of said portable fob, said processor being configured to select sensor information responsive to said user input device, said sensor information describing said one of said sensors, said processor being configured to send said sensor information to the wireless port of said server from the first wireless port of said portable fob (see [0026;0029-0032;0037-0044;0046;0050-00510056-0058]; figs. 1-5).

Wimsatt further discloses a series of graphical screen displays that show graphical elements such as a thermostat display indicating room temperature and the display is user-controlled using a pointing device or a touch screen (read as selecting sensor information in response to user input and said sensor information describing said one of said sensors (see [0056 - 0058]; figs. 4A - 4E).

However, Wimsatt does not explicitly disclose sensor including first wireless port and second port.

In the related field of endeavor, Stirovic disclose sensor including first wireless port and second port (see fig. 21 and associated text).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to slightly modify the teachings of Wimsatt in order to allow wired transfer of data and wireless transfer of data to update a central server.

Consider **claim 2** as applied to respective claim, Wimsatt as modified by Stirovic discloses the second port of said portable fob temporarily or momentarily mates with the second port of said one of said sensors (see [0026;0029-0032;0037-0044;0046;0050-00510056-0058]; figs. 1-5).

Consider **claim 3** as applied to respective claim, Wimsatt as modified by Stirovic discloses the second port of said portable fob includes a contact, which closes when the second port of said portable fob temporarily or momentarily mates with the second port of said one of said sensors (see [0026;0029-0032;0037-0044;0046;0050-00510056-0058]; figs. 1-5).

Consider **claim 8** as applied to respective claim, Wimsatt as modified by Stirovic discloses server further includes a second port; and wherein the second port of said portable fob temporarily or momentarily mates with the second port of said server(see [0026;0029-0032;0037-0044;0046;0050-00510056-0058]; figs. 1-5).

Consider **claim 9** as applied to respective claim, Wimsatt as modified by Stirovic discloses the second port of said portable fob includes a contact, which closes when the second port of said portable fob temporarily or momentarily mates with the second port of said server(see [0026;0029-0032;0037-0044;0046;0050-00510056-0058]; figs. 1-5).

Consider **claim 10** as applied to respective claim, Wimsatt as modified by Stirovic discloses portable fob and said server cooperate to configure at least one of said portable fob and said server after the second port of said portable fob temporarily or momentarily mates with the second port of said server(see [0026;0029-0032;0037-0044;0046;0050-00510056-0058]; figs. 1-5).

Claims 22 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wimsatt (U.S. Application # 2004/0260407)**.

Consider **claims 22 and 34**, Wimsatt discloses a method of configuring a component of a system for a structure, said system for a structure including a server, said method comprising: employing a portable fob(see [0026;0029-0032;0037-0044;0046;0050-00510056-0058]; figs. 1-5); detecting proximity information by a proximity sensor of said portable fob responsive to placing said portable fob proximate said component(see [0026;0029-0032;0037-0044;0046;0050-00510056-0058]; figs. 1-5); communicating a signature from said component to said server responsive to placing said portable fob proximate said component in order to configure said component as part of said system for a structure(see [0026;0029-0032;0037-0044;0046;0050-00510056-0058]; figs. 1-5); displaying a confirmation at said portable fob that said component was configured(see [0026;0029-0032;0037-0044;0046;0050-00510056-0058]; figs. 1-5); employing a sensor as said component(see [0026;0029-0032;0037-0044;0046;0050-00510056-0058]; figs. 1-5); communicating said signature from said sensor to said server responsive to placing said portable fob proximate said sensor(see [0026;0029-0032;0037-0044;0046;0050-00510056-0058]; figs. 1-5); communicating a

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message from said portable fob to said server responsive to said detected proximity information(see [0026;0029-0032;0037-0044;0046;0050-00510056-0058]; figs. 1-5); and receiving both of said signature and said message at said server before configuring said sensor as part of said system for a structure(see [0026;0029-0032;0037-0044;0046;0050-00510056-0058]; figs. 1-5).

Wimsatt further discloses displaying a confirmation at said control panel (107) (read as portable fob) that said controlled device or subsystem (read as component) was armed (read as configured) (see fig. 4E).

Wimsatt does not explicitly disclose receiving signature and message at server before configuring the sensor as part of the system.

Nevertheless, it would have been obvious to one of ordinary skill in the art to receive signature and message before configuring since Wimsatt discloses a network LAN, and a wireless network, and a discovery process in paragraphs 0040-0041. Therefore, before arming or disarming a sensor or turning on/off a light bulb, i.e. configuring, discovery messages from the network would add the sensor device to the network first.

Claims 12 - 14, 16, 18, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wimsatt (USPN 2004/0260407)** and further in view of **Ueda et al. (USPN 6,924,735)**.

Consider **claims 12 and 33**, Wimsatt discloses a portable fob for a plurality of sensors and a server of a system for a structure, said portable fob comprising: a portable housing(see [0026;0029-0032;0037-0044;0046;0050-00510056-0058]; figs. 1-

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5); a first wireless port configured for wireless communication with said server(see [0026;0029-0032;0037-0044;0046;0050-00510056-0058]; figs. 1-5); a second port configured for communication with one of said sensors or said server when said second port is proximate to said one of said sensors or said server, respectively(see [0026;0029-0032;0037-0044;0046;0050-00510056-0058]; figs. 1-5); a user input device(see [0026;0029-0032;0037-0044;0046;0050-00510056-0058]; figs. 1-5); a display(see [0026;0029-0032;0037-0044;0046;0050-00510056-0058]; figs. 1-5); and a processor operatively associated with said first wireless port, said second port, said user input device and said display, said processor being configured to receive proximity information port and responsively communicate with said server through said first wireless port, in order to configure said one of said sensors or said server(see [0026;0029-0032;0037-0044;0046;0050-00510056-0058]; figs. 1-5).

Wimsatt discloses processor being configured to receive proximity information from a proximity sensor operatively associated with the **first port** of said portable fob (see [0026;0029-0032;0037-0044;0046;0050-00510056-0058]; figs. 1-5) but does not disclose proximity sensor associated with a second port of portable fob and in communication with the sensor when in proximity and a processor being configured to receive proximity information from a proximity sensor operatively associated with the **second port** of said portable fob.

In the related field of endeavor, Ueda discloses a LF receiver 106 (read as second port of portable fob) in communication with LF transmitter circuit (read as the second port of sensor) when in proximity and control unit 100 (read as processor) being

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configured to receive LF signals (read as proximity information) from an LF antenna 108 (read as proximity sensor) operatively associated with LF receiver circuit (read as the second port) of portable unit 18 (read as portable fob) (see figs. 1 and 4; col. 7, lines 5-44).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Wimsatt with the teachings of Ueda in order provide two separate ports for near and far communications.

Consider **claim 13** as applied to respective claim, Wimsatt as modified by Ueda discloses the second port of said portable fob is configured for temporary or momentary mating with a corresponding port of said one of said sensors or said server(see [0026;0029-0032;0037-0044;0046;0050-00510056-0058]; figs. 1-5).

Consider **claim 14** as applied to respective claim, Wimsatt as modified by Ueda discloses wherein the second port of said portable fob includes a contact, which closes when the second port of said portable fob temporarily or momentarily mates with the corresponding port of said one of said sensors or said server(see [0026;0029-0032;0037-0044;0046;0050-00510056-0058]; figs. 1-5).

Consider **claim 16** as applied to respective claim, Wimsatt as modified by Ueda discloses one of said sensors or said server includes a port; and wherein the second port of said portable fob is configured to physically mate with the port of said one of said sensors or said server(see [0026;0029-0032;0037-0044;0046;0050-00510056-0058]; figs. 1-5).

Consider **claim 18** as applied to claim 12, Wimsatt as modified above does not explicitly disclose the second port of said portable fob is an optical port.

Nevertheless, it would be a mere design choice to incorporate an optical port since Wimsatt discloses ports.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to slightly modify the teachings of Wimsatt in order to allow the transfer of data for the purpose of programming and uploading/downloading information.

Claims 4 - 7, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wimsatt (U.S. Application # 2004/0260407)** and further in view of **Ott et al. (U.S. Application # 2004/0093239)**.

Consider **claim 4** as applied to claim 1, Wimsatt as modified above fail to disclose the second port of said one of said sensors includes a contact, which closes when the second port of said portable fob temporarily or momentarily mates with the second port of said one of said sensors; and wherein the wireless port of said one of said sensors sends a signature to the wireless port of said server responsive to closure of the contact of said one of said sensors.

In the related field of endeavor, Ott et al. disclose sensor (116) connected through USB (read as second port of said sensor includes a contact, which closes when the second port of said portable fob temporarily or momentarily mates with the second port of said one of said sensors) to remote computer (112) (read as portable fob); and the remote computer (112) (read as portable fob) sends data and log number, which is

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assigned to the transmission from the sensor (116) (read as signature), wirelessly to the central server (102) (read as server) after the USB connection is made to the remote computer (112) (read as portable fob) (read as sensors sends a signature to the wireless port of said server responsive to closure of the contact of said one of said sensors) (see [0024 - 0027]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Wimsatt with the teachings of Ott et al. in order to identify and differentiate one sensor from the other by having a signature for each sensor.

Consider **claim 5** as applied to claim 4, Wimsatt as modified above fail to disclose said signature is one of an address and serial number.

The Examiner takes Official Notice that it is notoriously well known in the art of electrical engineering to use addresses and serial numbers in order to uniquely identify and differentiates one device from a plurality of devices.

Therefore, it is well within the capability of an ordinary person skilled in the art to use signature, where said signature is represented by an address or a serial number, and where, other methods of identifying devices can also be implemented and therefore it is merely a matter of design choice.

Consider **claim 6** as applied to claim 5, Wimsatt et al. discloses graphical user interface with graphical elements (read as identifiers), wherein selected graphical elements are associated with thermostat, security system, etc. (read as sensors) (see [0055 - 0058]; figs. 4A - 4E).

Consider **claim 7** as applied to claim 6, Wimsatt discloses graphical elements (read as identifiers) are thermometer icon, lamp icon, etc. (read as graphical identifier is one of a label, a symbol and an icon) (see [0058]; figs. 4A - 4E)

Consider **claim 11** as applied to claim 1, Wimsatt discloses said one of said sensors includes a signature; wherein the second port of said portable fob is configured for mating with the second port of said one of said sensors; wherein said processor is configured to select information responsive to said user input device, said information describing said one of said sensors, said processor further is configured to send said selected information from said first wireless port of said portable fob to the wireless port of said server after the second port of said portable fob is mated with the second port of said one of said sensors; and wherein said one of said sensors sends said signature from the first wireless port of said one of said sensors to the wireless port of said server after the second port of said portable fob is mated with the second port of said one of said sensors(see [0026;0029-0032;0037-0044;0046;0050-00510056-0058]; figs. 1-5).

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Wimsatt (U.S. Application # 2004/0260407)** in view of **Ueda et al. (USPN 6,924,735)** and further in view of **Higuchi et al. (U.S. Patent # 4,926,505)**.

Consider **claim 15** as applied to claim 13, Wimsatt as modified by Ueda fail to disclose the second port of said portable fob includes a contact, which closes when the second port of said portable fob temporarily or momentarily mates with the corresponding port of said one of said sensors or said server.

In the related field of endeavor, Higuchi et al. disclose a using limit switch to as a sensing device to indicate occurrence of an event, which in this case would be the connection of the two ports (see col. 10, line 61 - col. 11, line 8).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Wimsatt and Ueda with the teachings of Higuchi et al. in order to use a well-known technique to conserve resources.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Wimsatt (U.S. Application # 2004/0260407)** in view of **Ueda et al. (USPN 6,924,735)** and further in view of **Ott et al. (U.S. Application # 2004/0093239)**.

Consider **claim 17** as applied to claim 12, Wimsatt as modified by Ueda explicitly fail to disclose sensors includes a port having a connector; and wherein the second port of said portable fob includes a connector which is adapted to provide a mechanical and electrical connection to the connector of the port of said one of said sensors.

In the related field of endeavor, Ott et al. disclose a USB interface to connect the sensor (116) with the remote computer (112) (read as portable fob) (read as sensors includes a port having a connector; and wherein the second port of said portable fob includes a connector which is adapted to provide a mechanical and electrical connection to the connector of the port of said one of said sensors) (see [0024 - 0027]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Wimsatt and Ueda with the

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teachings of Ott et al. in order to provide communication functions between the two devices, such as programming.

Claim 19 - 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wimsatt (U.S. Application # 2004/0260407)** in view of **Ueda et al. (USPN 6,924,735)**.
in view of **North et al. (U.S. Patent # 5,221,457)**.

Consider **claim 19** as applied to claim 12, Wimsatt as modified by Ueda explicitly fail to disclose second port of said portable fob includes a micro-switch having an actuator; and wherein said micro-switch closes when said actuator engages said one of said sensors or said server.

In the related field of endeavor, North et al. disclose microswitch actuator (118) that connects the analyzer instrument (50) (read as portable fob) and the sensor unit (50) and senses the closing of the contacts (read as second port of said portable fob includes a micro-switch having an actuator; and wherein said micro-switch closes when said actuator engages said one of said sensors or said server) (see col. 15, lines 11 - 52).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Wimsatt and Ueda with the teachings of North et al. in order to detect connection of two devices and perform communications.

Consider **claims 20 and 21** as applied to claims 19 and 20, Wimsatt disclose a programming port (92) but explicitly fails to disclose sensors or said server includes a receptacle port; and wherein the second port of said portable fob is adapted to swipe

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said receptacle port in order to actuate the actuator of said micro-switch and the receptacle port of said one of said sensors or said server includes a detector switch having a pivotable actuator; and wherein the second port of said portable fob is adapted to pivot said pivotable actuator.

Nevertheless, such a port would be a mere matter of design choice and an ordinary person skilled in the art can arrive at the same solution.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to slightly modify the teachings of Wimsatt in order to detect connection of two devices and perform communications.

Conclusion

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

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Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the

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Examiner should be directed to Fayyaz Alam whose telephone number is (571) 270-1102. The Examiner can normally be reached on Monday-Friday from 9:30am to 7:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Fayyaz Alam

March 19, 2009

/Edward Urban/

Supervisory Patent Examiner, Art Unit 2618